

BOARD OF SUPERVISORS

Agenda Item

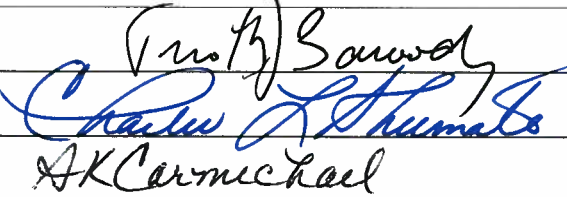
Meeting Date:	October 16, 2012
Title:	Consider Condemnation and Exercise of Quick-Take Powers to Acquire Right-of-Way, Utility Easements, and Temporary Construction Easements for the Mountain View Road Bond Project
Department:	Public Works
Staff Contact:	Michael T. Smith
Board Committee/ Other BACC:	N/A
Staff Recommendation:	Approval
Budget Impact:	See background report
Time Sensitivity:	October 16, 2012

ATTACHMENTS:

1.	Background Report	3.	Proposed Resolution R12-139
2.	Location Map	4.	Proposed Resolution R12-140

	Consent Agenda		Other Business		Unfinished Business
	Discussion		Presentation		Work Session
	New Business	X	Public Hearing		Add-On

REVIEW:

X	County Administrator	
X	County Attorney	
X	Finance and Budget	

DISTRICT:	Rock Hill
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BACKGROUND REPORT

The Board identified the completion of road improvements on Mountain View Road from Rose Hill Farm Drive to 0.25 miles north of Joshua Road as a part of the 2008 Transportation Bond Referendum. Design of the road improvements is essentially complete and the Department of Public Works has begun acquisition of the property for road rights-of-way.

Property acquisition started in January, 2012, along the alignment of the road improvements. The County is currently in the process of acquiring the easements necessary for the construction of the project. The County has come to an agreement with the property owner for the properties shown below. However, due to legal complications, which may prolong the acquisition process, the County would like to move forward with the quick-take process to allow the relocation of utilities. County staff has discussed this with Mrs. Wirman's legal counsel and they have consented to proceeding with the process.

The properties affected are as follows:

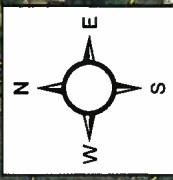
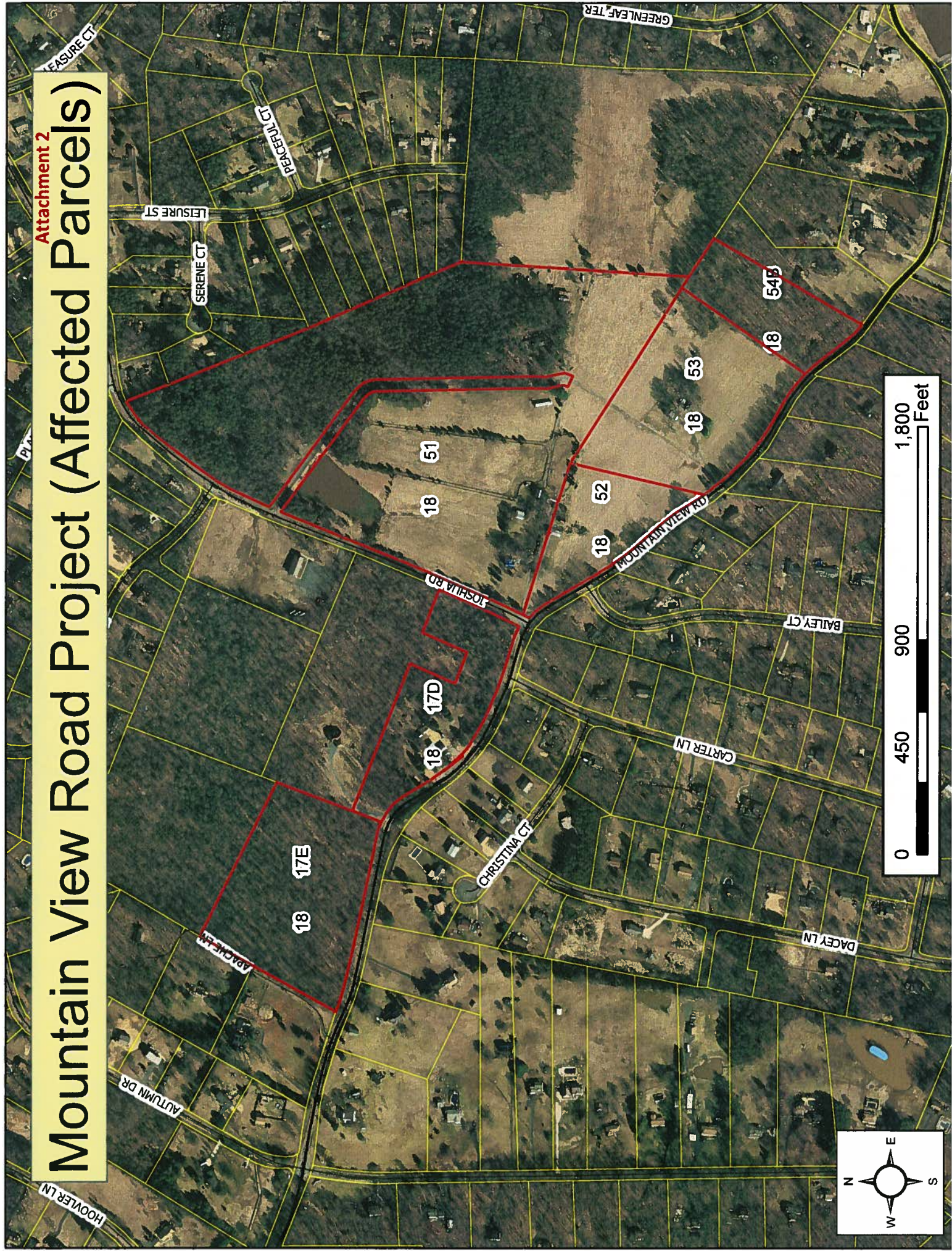
TM Parcel 18-51 is owned by Betty Ann Wirman. This property owned by Mrs. Wirman is 43.27 acres. The County requires property rights consisting of the following: 0.064 acres of right-of-way, 0.05 acres of drainage easement, 0.043 acres of temporary construction easement, 0.109 acres of temporary entrance easement, and 0.14 acres of easement to be conveyed to Verizon for use as a utility easement. The offer for acquisition was \$3200.

TM Parcels 18-17E, 18-17D, 18-52, 18-53 & 18-54B are owned by David and Betty Ann Wirman. The total for this group of properties is 36.06 acres. The County requires property rights consisting of the following: 3.8 acres of right-of-way, 0.47 of drainage easement, 1.69 acres of temporary construction easement, 0.45 acres of temporary entrance easement, 0.003 acres of easement to be conveyed to Verizon for use as a utility easement, and 1.12 acres of easement to be conveyed to Northern Virginia Electric Cooperative (NOVEC) for use as a utility easement. The offer for this acquisition was \$86,200.

Mr. and Mrs. Wirman were initially contacted on March 15, 2012. An agreement has been reached, through their legal counsel, in the amount of \$100,000 for all of the required property; \$3,200 for TM Parcel 18-51, and \$96,800 for the other properties combined. The utility companies will not begin relocation activities until the acquisition process is complete, and will not proceed with right-of-entry agreements. Due to legal complications, this process may take three to six months. Staff recommends proceeding with the quick take in order to begin the relocation efforts.

Sufficient funds are approved and budgeted in the current fiscal year for the right-of-way and easement acquisitions.

Attachment 2 Mountain View Road Project (Affected Parcels)



PROPOSED

**BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA**

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 16th day of October, 2012:

MEMBERS:

- Susan B. Stimpson, Chairman
- Cord A. Sterling, Vice Chairman
- Jack R. Cavalier
- Paul V. Milde III
- Ty A. Schieber
- Gary F. Snellings
- Robert "Bob" Thomas, Jr.

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY, DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, TEMPORARY ENTRANCE EASEMENT, AND AN EASEMENT TO BE CONVEYED TO VERIZON FOR A UTILITY EASEMENT, ON A PORTION OF THE PROPERTY OF BETTY ANN WIRMAN, TAX MAP PARCEL 18-51, IN CONNECTION WITH THE MOUNTAIN VIEW ROAD BOND PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road between Rose Hill Farm Drive and 0.25 miles north of Joshua Road as a critical part of Stafford County's road improvement plan; and

WHEREAS, these improvements were included in the 2008 Transportation Bond Referendum; and

WHEREAS, the Board approved the acquisition of the properties necessary for the completion of the road improvements and County staff is in the process of acquiring the necessary portions of property for right-of-way, temporary, and utility easements; and

WHEREAS, the Board determined that staff has been unable to obtain certain right-of-way, and temporary, and utility easements necessary for the timely completion of the project; and

WHEREAS, Tax Map Parcel 18-51 consists of approximately 43.27 acres of land owned by Betty Ann Wirman (“the Property Owner”); and

WHEREAS, the Board must acquire right-of-way and easements on Tax Map Parcel 18-51 (“the Property”) because the design of the road improvements requires 0.064 acres of right-of-way, 0.05 acres of drainage easement, 0.043 acres of temporary construction easement, 0.109 acres of temporary entrance easement, and 0.14 acres of easement to be conveyed to Verizon for use as a utility easement on the Property; and

WHEREAS, the agreed upon amount for the required areas of the Property, together with damages, if any, to the remainder of the Property is Three Thousand Two Hundred Dollars (\$3,200); and

WHEREAS, the terms of purchase were agreed upon and the County is proceeding with this process as agreed to with the Property Owner’s legal counsel; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code Sections 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County’s quick-take powers and carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.064 acres of right-of-way, 0.05 acres of drainage easement, 0.043 acres of temporary construction easement, 0.109 acres of temporary entrance easement, and 0.14 acres of easement to be conveyed to Verizon for use as a utility easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2012 that the Board be and it hereby does find that public necessity exists for the Board’s ownership of the right-of-way, drainage easement, utility easement, and temporary construction and entrance easements on the Property to complete construction and begin operation of the Mountain View Road Bond Project between Rose Hill Farm Drive and 0.25 miles north of Joshua Road; and

BE IT FURTHER RESOLVED that the Board made a bona fide offer of Three Thousand Two Hundred Dollars (\$3,200) as just compensation for the right-of-way, drainage easement, temporary construction and entrance easements, and easement to be conveyed to Verizon for use as a utility easement, including damages, if any, to the remainder of the Property, and that the Board and the Property Owner agree on compensation to be paid and on other terms of the purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines that it is necessary to do so and hereby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire 0.064 acres of right-of-way, 0.05 acres of drainage easement, 0.043 acres of temporary construction easement, 0.109 acres of temporary entrance easement, and 0.14 acres of easement to be conveyed to Verizon for use as a utility easement on Tax Map Parcel 18-51 for construction and operation of the Mountain View Road improvements between Rose Hill Farm Drive and 0.25 miles north of Joshua Road, under the provisions of the Virginia Code Sections 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors be and does authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit Three Thousand Two Hundred Dollars (\$3,200), with the Clerk of the Stafford County Circuit Court, for the Property Owner's benefit, before entering and taking possession of the right-of-way, drainage easement, temporary construction and entrance easements, and easement to be conveyed to Verizon for use as a utility easement in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

AJR:mts:tbn

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 16th day of October, 2012:

MEMBERS:

Susan B. Stimpson, Chairman
Cord A. Sterling, Vice Chairman
Jack R. Cavalier
Paul V. Milde III
Ty A. Schieber
Gary F. Snellings
Robert "Bob" Thomas, Jr.

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY, DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION AND ENTRANCE EASEMENTS, AND EASEMENTS TO BE CONVEYED TO NORTHERN VIRGINIA ELECTRIC COOPERATIVE AND VERIZON FOR UTILITY EASEMENTS, ON A PORTION OF THE PROPERTIES OF DAVID AND BETTY ANN WIRMAN, TAX MAP PARCELS 18-17E, 18-17D, 18-52, 18-53, AND 18-54B, IN CONNECTION WITH THE MOUNTAIN VIEW ROAD BOND PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road between Rose Hill Farm Drive and 0.25 miles north of Joshua Road as a critical part of Stafford County's road improvement plan; and

WHEREAS, these improvements were included in the 2008 Transportation Bond Referendum; and

WHEREAS, the Board approved the acquisition of the properties necessary for the completion of the road improvements and County staff is in the process of acquiring the necessary portions of property for right-of-way, temporary, and utility easements; and

WHEREAS, the Board determined that staff has been unable to obtain certain right-of-way, temporary, and utility construction and entrance easements necessary for the timely completion of the project; and

WHEREAS, Tax Map Parcels 18-17E, 18-17D, 18-52, 18-53, and 18-54B consist of approximately 36.06 acres of land owned by David and Betty Ann Wirman (“the Property Owners”); and

WHEREAS, the Board must acquire right-of-way and easements on Tax Map Parcels 18-17E, 18-17D, 18-52, 18-53, and 18-54B (“the Property”) because the design of the road improvements requires 3.8 acres of right-of-way, 0.47 acres of drainage easement, 1.69 acres of temporary construction easement, 0.45 acres of temporary entrance easement, 0.003 acres of easement to be conveyed to Verizon for use as a utility easement, and 1.12 acres of easement to be conveyed to Northern Virginia Electric Cooperative (NOVEC) for use as a utility easement on the Property; and

WHEREAS, the agreed upon amount for the required areas of the Property, together with damages, if any, to the remainder of the Property is Ninety-six Thousand Eight Hundred Dollars (\$96,800); and

WHEREAS, the terms of purchase were agreed upon and the County is proceeding with this process as agreed to with the Property Owner’s legal counsel; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code Sections 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County’s quick-take powers and carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 3.8 acres of right-of-way, 0.47 acres of drainage easement, 1.69 acres of temporary construction easement, 0.45 acres of temporary entrance easement, 0.003 acres of easement to be conveyed to Verizon for use as a utility easement, and 1.12 acres of easement to be conveyed to NOVEC for use as a utility easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2012 that the Board be and it hereby does find that public necessity exists for the Board’s ownership of the right-of-way, drainage easement, temporary construction and entrance easements, and easements to be conveyed to Verizon and NOVEC for use as utility easements on the Property to complete construction and begin operation of the Mountain View Road improvements between Rose Hill Farm Drive and 0.25 miles north of Joshua Road; and

BE IT FURTHER RESOLVED that the Board made a bona fide offer of Ninety-six Thousand Eight Hundred Dollars (\$96,800) as just compensation for the right-of-way, drainage easement, temporary construction and entrance easements, and easements to be conveyed to Verizon and NOVEC for use as utility easements including damages, if any, to the remainder of the Property, and that the Board and the Property Owners agree on compensation to be paid and on other terms of the purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines that it is necessary to do so and hereby does declare its intent to exercise the County's quick-take powers to enter upon and immediately acquire 3.8 acres of right-of-way, 0.47 acres of drainage easement, 1.69 acres of temporary construction easement, 0.45 acres of temporary entrance easement, 0.003 acres of easement to be conveyed to Verizon for use as a utility easement, and 1.12 acres of easement to be conveyed to NOVEC for use as a utility easement on Tax Map Parcels 18-17E, 18-17D, 18-52, 18-53, and 18-54B for construction, and operation of the Mountain View Road improvements between Rose Hill Farm Drive and 0.25 miles north of Joshua Road, under the provisions of Virginia Code Sections 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors be and does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit Ninety-six Thousand Eight Hundred Dollars (\$96,800), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the right-of-way, drainage easement, temporary construction and entrance easements, and easements to be conveyed to Verizon and NOVEC for use as utility easements in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

AJR:mts:tbm